

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MOBIL CERRO NEGRO, LTD.,

Plaintiff,

v.

PDVSA CERRO NEGRO S.A.,

Defendant.

Civil Action No. 07 CV 11590

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR AN
ORDER THAT DOCUMENTS BE FILED UNDER SEAL**

As described in the papers submitted simultaneously with this motion, the plaintiff in this action, Mobil Cerro Negro, Ltd. ("Mobil CN"), is seeking an *ex parte* order of attachment in aid of a multi-billion dollar international arbitration. This motion to file under seal is brought under Rule 5.2(d) of the Federal Rules of Civil Procedure providing that a "[c]ourt may order that a filing be made under seal without redaction." *Id.* Mobil CN respectfully requests that the Complaint, and any other papers that the Court directs should be filed with the Clerk of the Court, prior to service of the requested Order of Attachment, be filed under seal until the Order of Attachment is served.

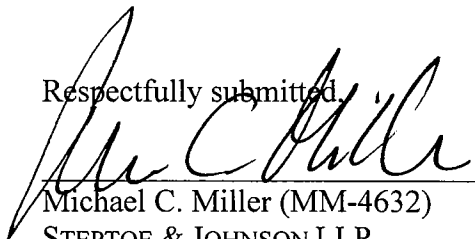
Filing these papers with the Clerk of the Court prior to the service of the requested Order of Attachment could provide PDVSA CN with notice of this action and potentially interfere with PDVSA's Offer to Purchase the outstanding bonds, rendering Mobil CN's requested *ex parte*

relief moot. Due to the high profiles of the parties to this case, there is a strong likelihood that filing the Complaint with the Clerk of the Court could draw media attention. Filing under seal will help ensure that PDVSA CN does not receive notice of this action or the Order of Attachment. Additionally, Mobil CN's request is for limited relief. As soon as Mobil CN has served the Order of Attachment, any papers sealed under this order can be unsealed. The only purpose here is to limit the potential for PDVSA CN to obtain notice of the Order of Attachment prior to service of the Order.

For the foregoing reasons, Mobil CN respectfully requests that this Court issue an Order to file under seal all the documents relating to this case until Mobil CN has the opportunity to serve the Order of Attachment.

Dated: New York, New York
December 27, 2007

Respectfully submitted,



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